



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

ONE ASHBURTON PLACE ROOM 411

BOSTON MASSACHUSETTS 02108

MICHAEL J. SULLIVAN  
DIRECTOR

TEL: (617) 727-8352  
(800) 462-OCPP  
FAX: (617) 727-6549

December 19, 1997  
AO-97-24

John T. Yunits, Mayor  
City of Brockton  
Brockton City Hall  
45 School Street  
Brockton, MA 02401

Re: Use of Massasoit Community College for Inaugural Ball

Dear Mayor Yunits:

This letter is in response to your November 14, 1997 request for "written consent for the use of Massasoit Community College for the Mayor's Inaugural Ball."

**Facts**

An inaugural committee, separate and distinct from your political committee, is responsible for planning and financing the ball. The ball will be a civic event open to the public. Tickets will be sold and proceeds collected by the inaugural committee, which will also be responsible for making all expenditures associated with the ball, using ticket proceeds. No campaign funds will be used to have the event. Any surplus in proceeds after payment of expenses will not be deposited into the candidate's account and will be donated to a charity.

**Question**

May a building which is "occupied for state, county or municipal purposes" be used for an inaugural ball?

**Answer**

Yes, if (as in this instance) the event is civic in nature, paid for using private or governmental funds, and neither the candidate nor the candidate's political committee receives any funds collected in connection with the event.

**Discussion**

Section 14 of M.G.L. c. 55, the campaign finance law provides, in part, that "[n]o person shall in any building or part thereof occupied for state, county or municipal purposes demand, solicit or receive

Mayor John T. Yunits  
December 19, 1997  
Page 2

any payment or gift of money or other thing of value for the purposes set forth in section thirteen.”  
Section 13 prohibits political solicitation by persons employed by the commonwealth and its subdivisions.

Section 14 is one of a series of restrictions in chapter 55 which “demonstrate a general legislative intent to keep political fund raising and disbursing out of the hands of nonelective public employees and out of city and town halls.” Anderson v. City of Boston, 376 Mass. 178, at 186-187. More specifically, as noted in AO-94-17:

Section 14 was designed to protect all persons working in, or visiting, buildings or parts thereof occupied for state, county, or municipal purposes from being subjected to the pressures of political solicitation.

A community college is a building occupied for state, county or municipal purposes. See Section 179 of Chapter 653 of the Acts of 1989, which states that all trustees and employees of state institutions of higher education are subject to the provisions of chapter 55, including sections 13-17.

If some of the funds raised to have the ball were ultimately retained by your campaign committee, the event would benefit your campaign and receipts would be campaign contributions subject to the campaign finance law. In that instance, section 14 would be violated. In addition, if the ball were not open to the public, but instead was only open to your political supporters, it would be a political rather than a civic event associated with the transition of government. Given the facts discussed above, however, these issues do not appear to raise concerns in this instance.

An inaugural ball which is open to the public is a civic event not subject to the campaign finance law, if the primary purpose of the event is to celebrate the transition of government and not to benefit the candidate's political future (even if the ball may, in addition to celebrating the transition of government, provide an incidental political benefit to the candidate). Governmental or private funds may be used to pay expenses associated with such an event. See AO-97-25.

This opinion is solely within the context of the campaign finance law and is provided on the basis of representations in your letter and in a conversation with your staff.

Please contact us if you have further questions regarding the campaign finance law.

Sincerely,

A handwritten signature in black ink that reads "Michael J. Sullivan". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Michael J. Sullivan  
Director

Enclosure